

## **REMARKS**

Claims 2-3, 17, and 20-21 have been cancelled. Claims 1, 4-16, 18-19, and 22 are pending.

### ***Claim Rejections – 35 U.S.C. §103(a)***

The Examiner has rejected independent Claims 1, 18, and 22 under 35 U.S.C. §103(a) as being unpatentable over Giovannoli (U.S. Patent No. 5,758,328) in view of Ausubel (U.S. Patent No. 5,905,975). (Applicants note that on Page 3 of the Office Action, the Examiner states that the rejections are made under 35 U.S.C. §102(b). Applicants hereby assume that this was a typographical error on the part of the Examiner and will respond assuming the Examiner intended to reject the claims under 35 U.S.C. §103(a).) The remaining claims stand rejected under 35 U.S.C. §103(a) based on the combination of Giovannoli and Ausubel further combined with one or more other references. The rejections are respectfully traversed.

On Page 4 of the Office Action, the Examiner states as follows:

- d. querying, using a processor, a database (a vendor's product database, see fig. 4 "Product Database") of information representing the capabilities of suppliers to deliver goods and services to geographic areas and automatically selecting as potential bidders for an auction those suppliers whose capabilities satisfy at least a portion of the request (see column 2, lines 35-51 and column 4, lines 36-49);

In summary, it appears that the Examiner believes that the limitation appearing in independent Claim 1 ("querying, using a processor, a database of information representing the capabilities of suppliers to deliver goods and services to geographic areas...") is found in Giovannoli at Figure 4; 2:35-51; and 4:36-49. Applicants respectfully disagree and will address each element of Giovannoli in turn. The following remarks also apply to independent Claims 18 and 22, each of which recites a similar limitation.

#### **Giovannoli Figure 4**

Figure 4 of Giovannoli is described (at 3:37-39) as being “a data flow diagram linking vendors and buyers to a hypothetical central office.” Specifically, the depicted database appears to belong to a particular **vendor** and contains information about a **product** of that particular **vendor**. Contrary to what is recited in Claim 1, the database of Figure 4 does not appear to contain information “representing the capabilities” of multiple “suppliers to deliver goods and services to geographic areas.” Indeed, as far as applicants are able to determine, the database depicted in Figure 4 of Giovannoli does not appear to contain information pertaining to the ability of even a single supplier to deliver goods/services to a geographic area.

#### **Giovannoli 2:35-41**

This portion of Giovannoli appears **to teach away** from what is recited in Claim 1. Specifically, it states that “[n]o central database of goods, prices, etc. is involved.” (2:41-42.)

#### **Giovannoli 4:36-49**

This portion of Giovannoli states:

“The Central Office would process RFQs through appropriate software and would wait for vendors to contact the Central Office FTP site. Vendors would use quotation system supplied software to cross reference their inventory to link with product lists used by the quotation system. When contacted the Central Office would acquire via suitable vendor software the RFQ information required and available from the vendors product database. If the vendor has prepared information relating to special sales, this information would be transferred to the Central Office at this time. Software version and list upgrades would be performed as well. When the FTP transfers are complete the Central Office would prepare RFQ e-mail for requesting buyers and forward same as required.”

This portion of Giovannoli appears to further emphasize Applicant’s assertion regarding Figure 4 above. Namely, that the database referred to in Figure 4 (and in 4:36-49) belongs to a particular **vendor** and contains information about a **product** of that particular **vendor**. Contrary to what is recited in Claim 1, the database does not appear to contain information “representing

the capabilities” of multiple “suppliers to deliver goods and services to geographic areas.” Indeed, as far as applicants are able to determine, the database described at 4:36-49 does not appear to contain information pertaining to the ability of even a single supplier to deliver goods/services to a geographic area.

As Giovannoli fails to disclose at least one element of independent Claims 1, 18, and 22, and as the Examiner has not provided any indication that the element may be found in Ausubel, Applicants respectfully submit that the Examiner has not made out a prima facie rejection of those claims under 35 U.S.C. §103(a), and those claims are thus allowable. Claims 4-16 and 19 depend, either directly or indirectly, from one of the aforementioned independent claims and are therefore believed to be allowable for the same reasons described above.

The foregoing amendments are not to be taken as an admission of unpatentability of any of the claims prior to the amendments.

Reconsideration of the application and allowance of all claims are respectfully requested based on the preceding remarks. If at any time the Examiner believes that an interview would be helpful, please contact the undersigned.

Respectfully submitted,

Dated: February 17, 2012

/Robyn Wagner/  
Robyn Wagner  
Registration No. 50,575  
V 408-973-2596  
F 408-973-2595

VAN PELT, YI & JAMES LLP  
10050 N. Foothill Blvd., Suite 200  
Cupertino, CA 95014